

## VERSION - 2

“Date”

Dr. Cathy S. Banks  
5 Par Drive  
Lake Charles, Louisiana 70605

RE: Ethics Board Docket No. 2021-478

Dear Dr. Banks:

The Louisiana Board of Ethics, at its September 3, 2021 meeting, considered your request for an advisory opinion relative to whether you can lease property to the Thrive Community Enrichment and Development Corporation, once its charter school has been approved, while you serve on the board of the Thrive Community Enrichment and Development Corporation.

### FACTS PROVIDED

You provided that you are the Board Chairman of the Thrive Community Enrichment and Development Corporation (“Thrive Community”), a non-profit organization in Calcasieu Parish. Thrive Community has applied for charter school approval. You stated that once approval for the school is complete, you and your husband would like to lease property to Thrive Community for a school site.

### LAW

La. R.S. 42:1112A prohibits a public servant from participating in a transaction in which he has a personal substantial economic interest of which he may be reasonably expected to know involving the governmental entity.

La. R.S. 42:1112B(1) states that no public servant shall participate in a transaction involving the governmental entity in which, to his actual knowledge, any member of his immediate family has a substantial economic interest.

La. R.S. 42:1113B prohibits an appointed member of any board or commission, member of his immediate family, or legal entity in which he has a substantial economic interest from bidding on or entering into or being in any way interested in any contract, subcontract, or other transaction which is under the supervision or jurisdiction of the agency of such appointed member.

### CONCLUSION

The Board concluded and instructed me to inform you, that the Code of Governmental Ethics (Ethics Code) would prohibit you and your husband from leasing property to Thrive Community once the charter school has been approved. As an appointed board member of Thrive Community, you are prohibited from bidding on or entering into or being in any way interested in a lease which is under the supervision or jurisdiction of Thrive Community. Even should you enter into the lease prior to

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the charter being approved, once the charter is approved you and your husband would continue to be in any way interested in the lease due to the ongoing relationship between lessee and lessor making you and your husband in any way interested in the lease.

Further, the Ethics Code would prohibit you from participating in a transaction involving Thrive Community where you and your husband have a substantial economic interest.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or laws other than the Code of Governmental Ethics, the Campaign Finance Disclosure Act, the Lobbyist Disclosure Act, and conflict of interest provisions in the gaming laws. If you have any questions, please contact me at (225) 219-5600 or (800) 842-6630.

Sincerely,

**LOUISIANA BOARD OF ETHICS**

Gregory L. Thibodeaux  
For the Board

**DISCLAIMER**  
This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics. The analysis and conclusions herein are preliminary and are subject to change or revision at the meeting of the Board of Ethics at which this draft opinion is presented for discussion and consideration. No party may rely on the facts or conclusions. The analysis and conclusions herein are preliminary and are subject to change or revision at the meeting of the Board of Ethics at which this draft opinion is presented for discussion and consideration.